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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AARON GREENSPAN,

Plaintiff,

v.

OMAR QAZI, SMICK ENTERPRISES, INC.,
ELON MUSK, and TESLA, INC.,

Defendants.

Case No. 3:20-cv-03426-JD

**DECLARATION OF AARON
GREENSPAN IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTIONS TO
DISMISS PLAINTIFF'S FOURTH
AMENDED COMPLAINT**

I, Aaron Greenspan, declare as follows:

1. As Exhibit A, I have attached true and correct copies of Certificates of Registration for United States Copyright Nos. TX 6-890-602 and VA 2-215-227.

2. As Exhibit B, I have attached a true and correct redacted copy of a Tesla, Inc. internal employee directory listing for "Third Row Tesla" member Vivien Hantusch and an excerpt from my e-mail server's SMTP log indicating that her Tesla, Inc. e-mail address is currently active as of December 8, 2021, both publicly available on PlainSite at <https://www.plainsite.org/documents/363f3o/vivien-hantusch-internal-directory-listing-and-smtp-log/>.

3. As Exhibit C, I have attached a true and correct copy of the non-extraneous pages from a September 27, 2021 *Vice* article by Aaron Gordon entitled, "How Tesla's 'Self-Driving' Beta Testers Protect the Company From Critics."

1 4. As Exhibit D, I have attached a true and correct copy of a printout of an October
2 19, 2021 post on Omar Qazi's @WholeMarsBlog Twitter account stating, "If they try and take
3 Autopilot away from us we will riot so hard January 6 will look like a day at Disneyland [laugh-
4 crying emoji]."

5 5. As Exhibit E, I have attached a true and correct copy of an October 28, 2021 *CNN*
6 *Business* article by Matt McFarland entitled, "Tesla fan attacks on government's new safety
7 advisor are 'calculated,' says head of safety agency."

8 6. As Exhibit F, I have attached a true and correct copy of a printout of a November
9 20, 2021 post on Omar Qazi's @WholeMarsBlog Twitter account embedding a copy of an e-
10 mail from change.org to Mr. Qazi, informing Mr. Qazi that change.org "received substantiation
11 ordering to remove your petition [against the appointment of NHTSA safety advisor Dr. Mary
12 Louise Cummings] on the grounds that its content is defamatory of Mr./Mrs./Ms. Cummings. As
13 such, we have removed your petition."

14 7. As Exhibit G, I have attached a true and correct copy of the \$136.9 million jury
15 verdict filed on October 4, 2021 in *Di-az v. Tesla, Inc.*, California Northern District Court Case
16 No. 3:17-cv-06748-WHO, regarding a "hostile work environment" at Tesla, Inc.

17 8. As Exhibit H, I have attached a true and correct copy of excerpts of internal
18 documents from Tesla, Inc. disclosed by whistleblower Martin Tripp already made public in this
19 action in ECF Nos. 70-22 and 103-1.

20 9. As Exhibit I, I have attached a true and correct copy of select documents from
21 California Public Records Act responses from the California Department of Motor Vehicles
22 regarding Tesla, Inc.'s "Autopilot" and "Full Self-Driving" autonomous driving features.

23 10. As Exhibit J, I have attached a true and correct copy of an August 18, 2021 letter
24 from two United States Senators to the Federal Trade Commission regarding "Tesla's misleading
25 advertising of its Autopilot and Full Self-Driving (FSD) features."

26 11. As Exhibit K, I have attached a true and correct copy of select letters and a
27 Special Order sent to Tesla, Inc. by the National Highway Traffic Safety Administration from
28

1 August 31, 2021 through October 12, 2021.

2 12. As Exhibit L, I have attached a true and correct copy of a December 6, 2021 *New*
3 *York Times* article by Cade Metz and Neal E. Boudette entitled, “Inside Tesla as Elon Musk
4 Pushed an Unflinching Vision for Self- Driving Cars.”

5 13. As Exhibit M, I have attached a true and correct copy of a response to Securities
6 and Exchange Commission Freedom of Information Act Request No. 21-01009-FOIA,
7 concerning “any correspondence between the Securities and Exchange Commission’s San
8 Francisco office and Tesla, Inc., Elon Musk or counsel for them during the period June 2020
9 through September 2020” as well as “correspondence related to the SEC’s enforcement of the
10 undertakings in the final judgment with defendant Elon Musk as first agreed to on Sept. 28,
11 2018, and amended on May 1, 2019.”

12 14. As Exhibit N, I have attached a true and correct copy of a United States
13 Department of Labor Form ETA-9042 submitted by Panasonic Solar North America, dated
14 March 6, 2020, as redacted by the Department of Labor.

15 15. As Exhibit O, I have attached a true and correct copy of a December 6, 2021
16 *Reuters* article by Hyunjoon Jin entitled, “Exclusive: SEC probes Tesla over whistleblower claims
17 on solar panel defects.”

18 16. As Exhibit P, I have attached a true and correct copy of an October 28, 2021
19 Federal Trade Commission press release entitled, “FTC to Ramp up Enforcement against Illegal
20 Dark Patterns that Trick or Trap Consumers into Subscriptions” and the associated Enforcement
21 Policy Statement.

22 17. As Exhibit Q, I have attached a true and correct copy of the non-extraneous pages
23 from a November 27, 2021 CNBC article by Lora Kolodny entitled, “Elon Musk urges Tesla
24 employees to reduce cost of vehicle deliveries.”

25 18. As Exhibit R, I have attached a true and correct copy of an October 20, 2021 S&P
26 Global Market Intelligence article by J. Holzman and Susan Dlin entitled, “\$22.6B Mexican
27 lithium mine bogs down in drug cartel, tech risks.”
28

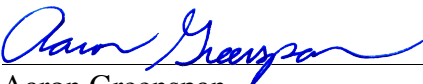
1 19. As Exhibit S, I have attached a true and correct copy of an excerpt of a hearing
2 transcript from Delaware Court of Chancery Case No. 2018-0408-JRS, *Richard J. Tornetta v.*
3 *Elon Musk*, referencing an e-mail from Elon Musk to J.B. Straubel “advising that Musk was
4 ‘planning on something really crazy but also high risk’ for his compensation.”

5 20. As Exhibit T, I have attached true and correct copies of excerpts from Tesla,
6 Inc.’s filings with the Securities and Exchange Commission.

7 21. Pages with no substantive content due to the manner in which web pages are
8 rendered for printing have been omitted.

9 I declare under penalty of perjury under the laws of the United States that the above
10 statements are true and correct and that this declaration was executed on December 9, 2021 in
11 San Francisco, California.

12
13 Dated: December 9, 2021

14
15 
16 Aaron Greenspan